

NOT FOR CITATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL W. BRISENO,

Petitioner,

No. C 04-1458 PJH

v.

ORDER RE: MOTION TO DISMISS

JEANNE S. WOODFORD, Director,
California Dept. Of Corrections,

Respondent.

Petitioner Michael W. Briseno ("Briseno"), currently in the custody of the California Department of Corrections, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 with this court on April 14, 2004. On April 28, 2005, this court denied the state's motion to dismiss the petition as untimely. The state has now moved to dismiss the petition on the grounds that it contains unexhausted, procedurally defaulted, and non-cognizable claims.

Accordingly, Briseno is ordered to file and serve his opposition and any supporting exhibits to the current motion to dismiss no later than fourteen days from the date of this order. The state may file and serve a reply within seven days of Briseno's opposition.

IT IS SO ORDERED.

Dated: June 6, 2005


PHYLLIS J. HAMILTON
United States District Judge